

Derek J. Ashton, OSB 871552  
[dashton@sussmanshank.com](mailto:dashton@sussmanshank.com)  
Hansary Laforest, OSB No. 182698  
[hlaforest@sussmanshank.com](mailto:hlaforest@sussmanshank.com)  
SUSSMAN SHANK LLP  
1000 SW Broadway, Suite 1400  
Portland, OR 97205-3089  
Telephone: (503) 227-1111  
Facsimile: (503) 248-0130

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TIM NAY, as the Personal Representative for  
the ESTATE OF JAMES WALTER GREEN,  
Deceased,

Case No. 3:22-cv-254

Plaintiff,

**NOTICE OF REMOVAL**

v.  
NUR TRANSPORT LLC, a Foreign  
Corporation, HASSEN IBRAHIM, and  
MOHAMED NUR KULALE,

**JURY TRIAL REQUESTED**

Defendants.

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendants Nur Transport LLC. (“Nur Transport”), Hassen Ibrahim (“Mr. Ibrahim”), and Mohamed Nur Kulale (“Mr. Kulale”) (collectively, “Defendants”), by and through counsel, file this Notice of Removal of this case from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court of Oregon, Portland Division. This Notice of Removal is supported by the

accompanying Declarations of Nurudin Ibrahim (“Nur Declaration”), Mr. Ibrahim (“Ibrahim Declaration”), and Mr. Kulale (“Kulale Declaration”) in Support of Defendants’ Notice of Removal. In support of this Notice of Removal, Defendants state as follows:

1. On or about January 19, 2022, Tim Nay, as the Personal Representative for the Estate of James Walter Green (deceased) (“Plaintiff”) filed a complaint in the Multnomah County Circuit Court against Defendants, attached to this Notice as Exhibit 1. Plaintiff alleges claims for negligence relating to an accident that occurred on September 6, 2021, near Huntington, Oregon.

2. This Court has jurisdiction pursuant to 28 USC § 1332. There is complete diversity between the parties.

3. Based upon Plaintiff’s complaint, Plaintiff was a citizen of, and thus domiciled in, Idaho, at the time of the incident and his passing. Nur Declaration ¶ 2.

4. Nur Transport LLC is a business corporation organized under the laws of the State of Ohio with its principal place of business in Ohio. Nur Declaration ¶ 3.

5. Mr. Ibrahim is a citizen of Ohio. Ibrahim Declaration ¶ 3. At the time Plaintiff’s complaint was filed, Mr. Ibrahim was domiciled in Ohio. *Id.*

6. Mr. Kulale is a citizen of Ohio. Kulale Declaration ¶ 3. At the time Plaintiff’s complaint was filed, Mr. Kulale was domiciled in Ohio. *Id.*

7. An individual is a citizen of the state in which they have their domicile, *i.e.*, a permanent home where they intend to remain. *Kanter v. Warner-Lambert Co.*, 265 F3d 853, 857 (9th Cir 2001).

8. The amount in controversy exceeds the Court's jurisdictional threshold of \$75,000. In their Complaint, plaintiff seeks damages in excess of \$11,015,000.00. Exhibit 1, ¶¶ 6-8.

9. Pursuant to 28 USC §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

10. This Notice of Removal is being filed within thirty (30) days of counsel for Defendants having received a copy of the initial pleading that was filed on January 19, 2022. It is therefore timely filed. *See* 28 U.S.C. § 1446(b).

11. This Notice of Removal will be contemporaneously served on Plaintiff. A *Notice of Removal to Federal Court* (attached as Exhibit 2) will be filed in the Multnomah County Circuit Court as soon as this Notice of Removal has been filed in this Court.

**WHEREFORE**, Defendants pray that this action be and remain removed from the Marion County Circuit Court and that this Court accept jurisdiction, with venue in the Portland Division.

DATED this 16<sup>th</sup> day of February, 2022.

SUSSMAN SHANK LLP

By /s/ Hansary Laforest  
Derek J. Ashton, OSB 871552  
Hansary Laforest, OSB No. 182698  
(503) 227-1111  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2022, I caused to be served a full and exact copy of the foregoing **NOTICE TO OF REMOVAL** on the following persons:

Brian B. Williams  
Tomas F. Osborne  
Hitt Hiller Monfils Williams LLP  
411 2nd Avenue, Suite 400  
Portland, Oregon 97204  
[bwilliams@hittandhiller.com](mailto:bwilliams@hittandhiller.com)  
[tosborne@hittandhiller.com](mailto:tosborne@hittandhiller.com)  
*Attorneys for Plaintiff*

by the following indicated method(s):

- First Class Mail, postage prepaid, deposited in the US mail at Portland, OR
- Hand delivery
- Facsimile transmission
- Overnight delivery
- Email (courtesy copy)
- Electronic filing notification

Dated: February 16, 2022

*/s/ Hansary Laforest*

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Derek J. Ashton, OSB 871552  
Hansary Laforest, OSB No. 182698